

REMARKS


Claim Rejections – 35 USC §102

The examiner rejected claims 1-3 under 35 USC §102(e) as anticipated by Thompson et al (6,714,379). The applicant submits herewith a declaration under 37 CFR 1.131 by the inventor stating that the claimed invention had been reduced to practice long before the priority date (October 12, 1999) of Thompson. The inventor's declaration is corroborated by an affidavit included herewith by Jim Boeckner who was involved with manufacturing a prototype of the disk drive cover while employed with Moulding Industries. Accordingly, the applicant respectfully requests the examiner remove Thompson as prior art and withdraw the rejections.

CONCLUSION

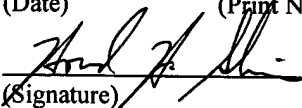
In view of the declaration under 37 CFR 1.131 filed herewith, Thompson should be removed as prior art and the rejections under 35 USC §102 should be withdrawn. The examiner is encouraged to contact the undersigned over the telephone in order to resolve any remaining issues that may prevent the immediate allowance of the present application.

Respectfully submitted,

Date: 11/3/04 By: 
Howard H. Sheerin
Reg. No. 37,938
Tel. No. (303) 765-1689

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

11/3/04 Howard H. Sheerin
(Date) (Print Name)

(Signature)